

Issued November 28, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

---

## NOTICE OF JUDGMENT NO. 2600.

(Given pursuant to section 4 of the Food and Drugs Act.)

---

**U. S. v. Twenty Bags Mixed Feed. Decree of condemnation. Goods released on bond.**

---

### ADULTERATION AND MISBRANDING OF MIXED FEED.

On October 11, 1912, the United States Attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 bags of mixed feed remaining unsold in the original unbroken packages at the storehouse of J. M. Keen Co., New River, Tenn., alleging that the product had been shipped on or about September 28, 1912, by the Garland Milling Co., Greensburg, Ind., and transported from the State of Indiana into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 lbs.—Garland—Mixed Feed—Pure Winter Wheat Product—Bran & Middlings Run Together—Guaranteed Analysis: Protein, average, 16.00 per cent, minimum, 15.25 per cent; fat, average, 4.00, minimum, 3.75; fiber, average, 8.50, maximum, 9.00. Garland Milling Co.—Greensburg, Indiana—Guaranteed by Garland Milling Co. under the Food and Drugs Act June 30, 1906. Serial No. 13730." (Shipping tag) "J. M. Keen Co., New River, Tenn. Via Jeffersonville cars Southern Ry." (Tenn. State tax tag) "Tennessee Inspection Tax 100 pounds feed stuff. This stamp must be attached to the guaranteed analysis. T. F. Peck Com. of Agriculture. One Cent."

Adulteration of the product was alleged in the libel for the reason that it was labeled as set forth above, whereas samples taken from five different bags examined in the Bureau of Chemistry, Department

of Agriculture, showed at least 8 per cent of wheat and oat grains, weed seeds, and stems, and that the wheat was shrunken and the material was screenings. As the product contained screenings, which reduced the quality and standard of same and had been substituted for bran and middlings, it was adulterated in violation of section 7 of the Food and Drug Act, paragraphs 1 and 2 under "Food." Misbranding was alleged for the reason that the label purported to tell all the constituents of the mixture, whereas the presence of wheat, oats, weed seeds, and stems in the form of screenings was not declared, and said product was therefore misbranded in violation of section 8 of the Act referred to, first general paragraph.

On November 6, 1912, judgment of condemnation and forfeiture was entered, and it was ordered that the product should be delivered to said Garland Milling Co., claimant, upon payment of the costs of the proceeding and the execution of bond in the sum of \$250 in conformity with section 10 of the Act.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 17, 1913.*